

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEOPOLDO PENA MENDOZA, ELVIZ
SANCHEZ AND JOSE ARMANDO
CORTES,

Plaintiff,

v.

FONSECA McELROY GRINDING CO. INC.)

and GRANITE ROCK COMPANY;

Defendants.

) **Case Number:** 15-CV-05143-WHO

) **ORDER AND FINAL JUDGMENT**

) HON. WILLIAM H. ORRICK

ORDER AND FINAL JUDGMENT

Based on the stipulation and good cause found, the Court hereby Orders Adjudicates and
Decrees as Follows:

Count Three of the First Amended Complaint is Dismissed with Prejudice as to all
Defendants;

As to Counts One, Two and Three, the parties have reached a resolution as to all claims other
than those encompassed by this Court's November 28, 2016 Order Granting Partial Summary
Judgment, in favor of Defendant Granite Rock Company on Plaintiffs' prevailing wage claims
that lowbed transportation work hours are public work subject to California prevailing wage
requirements pursuant to California Labor Code section 1720 et seq..

As a result, let a Judgment be entered on behalf of Defendant GRANITE ROCK COMPANY
as against Plaintiffs LEOPOLDO PENA MENDOZA, ELVIZ SANCHEZ and JOSE

1 ARMANDO CORTES on Counts One, Two and Three of the First Amended Complaint as the
2 Court has found that prevailing wages are not owed for what is termed “lowbed mobilization”
3 and the parties have resolved all other disputes that fall outside the Court’s November 28, 2016
4 Order Granting Partial Summary Judgment.

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6 IT IS SO ORDERED, ADJUDICATED AND DECREED.

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9 Dated: January 12, 2017

A handwritten signature in black ink, appearing to read "W. H. Orrick", is written over a horizontal line.

WILLIAM H. ORRICK

UNITED STATES DISTRICT COURT JUDGE